IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
WRIT PETITION NO.888 OF 2005

Shri Maruti Dhondiba Kanchan : Petitioner
V/s.
The Divisional Commissioner, Pune Division
& Ors. : Respondents

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Mr. S. B. Deshmukh with Mrs.Vinita V. Bakre-Shastry for the petitioner
Mr. P. M. Patil, Assistant Government Pleader for respondent Nos.1 to 3.

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CORAM : DALVEER BHANDARI, C.J. &
S.A. BOBDE, J.

DATE : MARCH 24, 2005.

P.C.:

1. The petitioner is aggrieved by the order of the Additional Commissioner, Pune Division, Pune, in application bearing No.PUNERV/KAVI-3/ARJ/96/2002 dated 20.12.2004.

2. According to the petitioner, as per mutation entry No.5384 granted on 6.4.1997, the possession of the disputed land gat Nos.514 and 1154 has been taken by the District Collector and Deputy Director (Land) Rehabilitation, Pune, and his name has been entered into the 7/12 extract of the suit property. As per section 157 of the Maharashtra Land Revenue

Code, 1966, the entires of the record of rights and in the register of mutation entries are presumed to be correct unless contrary is proved. As in the 7/12 extract of the disputed land in the present matter, the name of the District Collector and Deputy Director (Land) Rehabilitation, Pune, has been entered, it is necessary to presume as per the said provisions that the possession has been taken, as per the order of the Additional Commissioner, Pune Division, Pune.

3. Pursuant to the show cause notice issued by this Court, reply-affidavit has been filed. In the reply-affidavit, it is mentioned that the petitioner has not exhausted his remedy under section 247 of the Maharashtra Land Revenue Code and without exhausting the statutory remedy, the petitioner has approached this Court under Article 226 of the Constitution. We relegate the petitioner to the statutory remedy available to him. This petition being devoid of any merit is, accordingly, dismissed.

Sd/-
CHIEF JUSTICE
Sd/-
S.A. BOBDE, J.